

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 598

Introduced by Senator Huff

(Coauthors: Senators Benoit, DeSaulnier, Hancock, and Leno)

(Coauthors: Assembly Members Buchanan and Solorio)

February 27, 2009

An act to amend ~~Section 13352~~ *Sections 13352, 13352.5, 23109, 23550, 23550.5, 23552, 23566, and 23568* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 598, as amended, Huff. Vehicles: driving under the influence (DUI).

(1) Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug. Existing law authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of a certified ignition interlock device on the person's vehicle.

Existing law requires that a person, convicted of driving under the influence, without bodily injury to another, within 10 years of being

convicted of a separate violation of one of specified driving-under-the-influence offenses, be punished by his or her driving privilege being suspended for 2 years. The Department of Motor Vehicles is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspension period, which may include credit for a specified concurrent suspension, subject to certain conditions, including, among other things, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees, including, but not limited to, all administrative fees or reissue fees.

This bill would *instead* require the department to advise ~~the~~ a person, *who was only under the influence of an alcoholic beverage at the time of the violation*, that he or she may apply for a restricted driver's license after completion of 90 days ~~or 12 months~~ of the suspension period, ~~if the circumstances of the offense involve having 0.08% or more, by weight, of alcohol in the blood under certain circumstances.~~

(2) Existing law requires that a person convicted of driving under the influence, without bodily injury to another, within 10 years of being convicted of 2 separate violations of specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 3 years. The department is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the revocation period, which may include credit for a specified concurrent suspension, subject to certain conditions, including, among other things, satisfactory completion of 12 months of an 18-month or 30-month driving-under-the-influence program, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees.

This bill would instead require the department to advise ~~the~~ a person, *who was found to be only under the influence of an alcoholic beverage at the time of the violation*, of his or her ability to apply for a restricted driver's license after completion of 6 months ~~or 12 months~~ of the revocation period ~~if the circumstances of the offense involve having 0.08% or more, by weight, of alcohol in the blood, and~~, subject to certain conditions, including that if the person is convicted of a specified offense that person subsequently satisfactorily ~~completes 6 months or 12 months of~~ *provides proof of enrollment in* an 18-month or 30-month driving-under-the-influence program, as prescribed. The bill would

require the person to pay a fee sufficient to cover the costs of administration, as determined by the department.

(3) *This bill would require that a person convicted of driving under the influence of any drug or the combined influence of any drug and an alcoholic beverage, without bodily injury to another, within 10 years of being convicted of a separate violation of one of the specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 2 years. This bill would authorize the department to reinstate the privilege provided certain conditions are met. This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspended period, subject to certain conditions including, among other things, that the person provides proof of enrollment in an 18-month or 30-month driving-under-the-influence program, as prescribed.*

(4) *This bill would also require a person convicted of driving under the influence of any drug or the combined influence of any drug and an alcoholic beverage, without bodily injury to another, within 10 years of being convicted of 2 separate violations of specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 3 years. This bill would authorize the department to reinstate the privilege provided certain conditions are met. This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspended period, subject to certain conditions, including, among other things, that the person has satisfactorily completed the initial 12 months of an 18-month or 30-month driving-under-the-influence program as prescribed.*

(5) *This bill would make other conforming changes.*

~~(3)~~

(6) *This bill would become operative on July 1, 2010.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13352 of the Vehicle Code is amended
- 2 to read:
- 3 13352. (a) The department shall immediately suspend or
- 4 revoke the privilege of a person to operate a motor vehicle upon

1 the receipt of an abstract of the record of a court showing that the
2 person has been convicted of a violation of Section 23152 or 23153,
3 subdivision (a) of Section 23109, or Section 23109.1, or upon the
4 receipt of a report of a judge of the juvenile court, a juvenile traffic
5 hearing officer, or a referee of a juvenile court showing that the
6 person has been found to have committed a violation of Section
7 23152 or 23153 or subdivision (a) of Section 23109 or Section
8 23109.1. If an offense specified in this section occurs in a vehicle
9 defined in Section 15210, the suspension or revocation specified
10 below shall apply to the noncommercial driving privilege. The
11 commercial driving privilege shall be disqualified as specified in
12 Sections 15300 to 15302, inclusive. For the purposes of this
13 section, suspension or revocation shall be as follows:

14 (1) Except as required under Section 13352.1 or 13352.4, upon
15 a conviction or finding of a violation of Section 23152 punishable
16 under Section 23536, the privilege shall be suspended for a period
17 of six months.

18 The privilege may not be reinstated until the person gives proof
19 of financial responsibility and gives proof satisfactory to the
20 department of successful completion of a
21 driving-under-the-influence program licensed pursuant to Section
22 11836 of the Health and Safety Code described in subdivision (b)
23 of Section 23538. If the court, as authorized under paragraph (3)
24 of subdivision (b) of Section 23646, elects to order a person to
25 ~~enroll, participate~~ *enroll in, participate in*, and complete either
26 program described in subdivision (b) of Section 23542, the
27 department shall require that program in lieu of the program
28 described in subdivision (b) of Section 23538. For the purposes
29 of this paragraph, ~~enrollment, participation~~ *enrollment in,*
30 *participation in*, and completion of an approved program shall be
31 subsequent to the date of the current violation. Credit may not be
32 given to any program activities completed prior to the date of the
33 current violation.

34 (2) Upon a conviction or finding of a violation of Section 23153
35 punishable under Section 23554, the privilege shall be suspended
36 for a period of one year. The privilege may not be reinstated until
37 the person gives proof of financial responsibility and gives proof
38 satisfactory to the department of successful completion of a
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code as described in subdivision

(b) of Section 23556. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to ~~enroll, participate~~ *enroll in, participate in*, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, *and if the person was found to be only under the influence of an alcoholic beverage at the time of the violation of Section 23152*, the privilege shall be suspended for two years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23542. For the purposes of this paragraph, ~~enrollment, participation~~ *enrollment in, participation in*, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. ~~The department shall advise a person convicted or found to be in violation of subdivision (a) of Section 23152 that after completion of 12 months of the suspension period, which may include credit for a suspension period served under subdivision (e) of Section 13353.3, the person may apply to the department for a restricted driver's license. The~~ The department shall advise a person convicted or found to be in violation of subdivision (a) or (b) of Section 23152 that after completion of 90 days of the suspension period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's license. Eligibility for the restricted driver's license is subject to the following conditions:

(A) The person has satisfactorily provided, subsequent to the violation date of the current underlying conviction, either of the following:

1 (i) Proof of enrollment in an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code.

4 (ii) Proof of enrollment in a 30-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if available in the county of
7 the person's residence or employment.

8 (B) The person agrees, as a condition of the restriction, to
9 continue satisfactory participation in the program described in
10 subparagraph (A).

11 (C) The person submits the "Verification of Installation" form
12 described in paragraph (2) of subdivision (g) of Section 13386.

13 (D) The person agrees to maintain the ignition interlock device
14 as required under subdivision (g) of Section 23575.

15 (E) The person provides proof of financial responsibility, as
16 defined in Section 16430.

17 (F) The person pays all reissue fees and any restriction fee
18 required by the department.

19 (G) The person pays to the department a fee sufficient to cover
20 the costs of administration of this paragraph, as determined by the
21 department.

22 (H) The restriction shall remain in effect for the period required
23 in subdivision (f) of Section 23575.

24 (4) Except as provided in this paragraph, upon a conviction or
25 finding of a violation of Section 23153 punishable under Section
26 23560, the privilege shall be revoked for a period of three years.
27 The privilege may not be reinstated until the person gives proof
28 of financial responsibility, and the person gives proof satisfactory
29 to the department of successful completion of a
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code, as described in paragraph
32 (4) of subdivision (b) of Section 23562. For the purposes of this
33 paragraph, ~~enrollment, participation~~ *enrollment in, participation*
34 *in*, and completion of an approved program shall be subsequent
35 to the date of the current violation. Credit shall not be given to any
36 program activities completed prior to the date of the current
37 violation. The department shall advise the person that after the
38 completion of 12 months of the revocation period, which may
39 include credit for a suspension period served under subdivision

(c) of Section 13353.3, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily completed, subsequent to the violation date of the current underlying conviction, either of the following:

(i) The initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.

(ii) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, and the person agrees, as a condition of the restriction, to continue satisfactory participation in that 30-month program.

(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(D) The person provides proof of financial responsibility, as defined in Section 16430.

(E) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(F) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.

(5) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23546, *and if the person was found to be only under the influence of an alcoholic beverage at the time of the violation of Section 23152*, the privilege shall be revoked for a period of three years. The privilege may not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of one of the following programs: an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) or (c) of Section 23548, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, ~~enrollment, participation~~ *enrollment in,*

1 *participation in*, and completion of an approved program shall be
2 subsequent to the date of the current violation. Credit shall not be
3 given to any program activities completed prior to the date of the
4 current violation. ~~The department shall advise a person convicted~~
5 ~~or found to be in violation of subdivision (a) of Section 23152 that~~
6 ~~after completion of 12 months of the revocation period, which may~~
7 ~~include credit for a suspension period served under subdivision~~
8 ~~(c) of Section 13353.3, the person may apply to the department~~
9 ~~for a restricted driver's license. The~~ The department shall advise
10 a person convicted or found to be in violation of subdivision (a)
11 or (b) of Section 23152 that after completion of six months of the
12 revocation period, which may include credit for a suspension period
13 served under subdivision (c) of Section 13353.3, the person may
14 apply to the department for a restricted driver's license. Eligibility
15 for the restricted driver's license is subject to the following
16 conditions:

17 (A) The person has satisfactorily—~~completed~~ *provided*,
18 subsequent to the violation date of the current underlying
19 conviction, one of the following:

20 (i) With regard to a conviction under subdivision (a) or (b) of
21 Section 23152, ~~the initial 12 months of proof of enrollment in an~~
22 18-month driving-under-the-influence program licensed pursuant
23 to Section 11836 of the Health and Safety Code.

24 (ii) With regard to a conviction under subdivision (a) or (b) of
25 Section 23152, ~~the initial 12 months of proof of enrollment in a~~
26 30-month driving-under-the-influence program licensed pursuant
27 to Section 11836 of the Health and Safety Code, if available in the
28 county of the person's residence or employment, and the person
29 agrees, as a condition of the restriction, to continue satisfactory
30 participation in the 30-month driving-under-the-influence program.

31 ~~(iii) With regard to a conviction under subdivision (b) of Section~~
32 ~~23152, the initial six months of an 18-month~~
33 ~~driving-under-the-influence program licensed pursuant to Section~~
34 ~~11836 of the Health and Safety Code.~~

35 ~~(iv) With regard to a conviction under subdivision (b) of Section~~
36 ~~23152, the initial six months of a 30-month~~
37 ~~driving-under-the-influence program licensed pursuant to Section~~
38 ~~11836 of the Health and Safety Code, if available in the county of~~
39 ~~the person's residence or employment, and the person agrees, as~~

1 a condition of the restriction, to continue satisfactory participation
2 in the 30-month driving-under-the-influence program.

3 (B) The person submits the “Verification of Installation” form
4 described in paragraph (2) of subdivision (g) of Section 13386.

5 (C) The person agrees to maintain the ignition interlock device
6 as required under subdivision (g) of Section 23575.

7 (D) The person provides proof of financial responsibility, as
8 defined in Section 16430.

9 (E) An individual convicted of a violation of Section 23152
10 punishable under Section 23546 may also, at any time after
11 sentencing, petition the court for referral to an 18-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code, or, if available in the county
14 of the person’s residence or employment, a 30-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code. Unless good cause is shown,
17 the court shall order the referral.

18 (F) The person pays all applicable reinstatement or reissue fees
19 and any restriction fee required by the department.

20 (G) The person pays to the department a fee sufficient to cover
21 the costs of administration of this paragraph, as determined by the
22 department.

23 (H) The restriction shall remain in effect for the period required
24 in subdivision (f) of Section 23575.

25 *(6) Except as provided in this paragraph, upon a conviction or*
26 *finding of a violation of Section 23152 punishable under Section*
27 *23540, and if the person was found to be under the influence of*
28 *any drug or the combined influence of any drug and an alcoholic*
29 *beverage, the privilege shall be suspended for two years. The*
30 *privilege may not be reinstated until the person gives proof of*
31 *financial responsibility and gives proof satisfactory to the*
32 *department of successful completion of a*
33 *driving-under-the-influence program licensed pursuant to Section*
34 *11836 of the Health and Safety Code as described in subdivision*
35 *(b) of Section 23542. For the purposes of this paragraph,*
36 *enrollment in, participation in, and completion of an approved*
37 *program shall be subsequent to the date of the current violation.*
38 *Credit shall not be given to any program activities completed prior*
39 *to the date of the current violation. The department shall advise*
40 *the person that after completion of 12 months of the suspension*

1 *period, which may include credit for a suspension period served*
2 *under subdivision (c) of Section 13353.3, the person may apply to*
3 *the department for a restricted driver's license, subject to the*
4 *following conditions:*

5 *(A) The person has satisfactorily provided, subsequent to the*
6 *violation date of the current underlying conviction, either of the*
7 *following:*

8 *(i) Proof of enrollment in an 18-month*
9 *driving-under-the-influence program licensed pursuant to Section*
10 *11836 of the Health and Safety Code.*

11 *(ii) Proof of enrollment in a 30-month*
12 *driving-under-the-influence program licensed pursuant to Section*
13 *11836 of the Health and Safety Code, if available in the county of*
14 *the person's residence or employment.*

15 *(B) The person agrees, as a condition of the restriction, to*
16 *continue satisfactory participation in the program described in*
17 *subparagraph (A).*

18 *(C) The person submits the "Verification of Installation" form*
19 *described in paragraph (2) of subdivision (g) of Section 13386.*

20 *(D) The person agrees to maintain the ignition interlock device*
21 *as required under subdivision (g) of Section 23575.*

22 *(E) The person provides proof of financial responsibility, as*
23 *defined in Section 16430.*

24 *(F) The person pays all administrative fees or reissue fees and*
25 *any restriction fee required by the department.*

26 *(G) The restriction shall remain in effect for the period required*
27 *in subdivision (f) of Section 23575.*

28 *(7) Except as provided in this paragraph, upon a conviction or*
29 *finding of a violation of Section 23152 punishable under Section*
30 *23546, and if the person was found to be under the influence of*
31 *any drug or the combined influence of any drug and an alcoholic*
32 *beverage, the privilege shall be revoked for a period of three years.*
33 *The privilege may not be reinstated until the person files proof of*
34 *financial responsibility and gives proof satisfactory to the*
35 *department of successful completion of an 18-month*
36 *driving-under-the-influence program licensed pursuant to Section*
37 *11836 of the Health and Safety Code, as described in subdivision*
38 *(b) or (c) of Section 23548, or, if available in the county of the*
39 *person's residence or employment, a 30-month*
40 *driving-under-the-influence program licensed pursuant to Section*

1 11836 of the Health and Safety Code, or a program specified in
2 Section 8001 of the Penal Code. For the purposes of this
3 paragraph, enrollment in, participation in, and completion of an
4 approved program shall be subsequent to the date of the current
5 violation. Credit shall not be given to any program activities
6 completed prior to the date of the current violation. The department
7 shall advise the person that after completion of 12 months of the
8 revocation period, which may include credit for a suspension
9 period served under subdivision (c) of Section 13353.3, the person
10 may apply to the department for a restricted driver's license,
11 subject to the following conditions:

12 (A) The person has satisfactorily completed, subsequent to the
13 violation date of the current underlying conviction, either of the
14 following:

15 (i) The initial 12 months of an 18-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code.

18 (ii) The initial 12 months of a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, if available in the county of
21 the person's residence or employment, and the person agrees, as
22 a condition of the restriction, to continue satisfactory participation
23 in the 30-month driving-under-the-influence program.

24 (B) The person submits the "Verification of Installation" form
25 described in paragraph (2) of subdivision (g) of Section 13386.

26 (C) The person agrees to maintain the ignition interlock device
27 as required under subdivision (g) of Section 23575.

28 (D) The person provides proof of financial responsibility, as
29 defined in Section 16430.

30 (E) An individual convicted of a violation of Section 23152
31 punishable under Section 23546 may also, at any time after
32 sentencing, petition the court for referral to an 18-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code, or, if available in the county
35 of the person's residence or employment, a 30-month
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code. Unless good cause is shown,
38 the court shall order the referral.

39 (F) The person pays all applicable reinstatement or reissue fees
40 and any restriction fee required by the department.

1 (G) *The restriction shall remain in effect for the period required*
2 *in subdivision (f) of Section 23575.*

3 ~~(6)~~

4 (8) Except as provided in this paragraph, upon a conviction or
5 finding of a violation of Section 23153 punishable under Section
6 23550.5 or 23566, the privilege shall be revoked for a period of
7 five years. The privilege may not be reinstated until the person
8 gives proof of financial responsibility and proof satisfactory to the
9 department of successful completion of one of the following
10 programs: an 18-month driving-under-the-influence program
11 licensed pursuant to Section 11836 of the Health and Safety Code,
12 as described in subdivision (b) of Section 23568 or, if available in
13 the county of the person's residence or employment, a 30-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code, or a program specified in
16 Section 8001 of the Penal Code. For the purposes of this paragraph,
17 ~~enrollment, participation~~ *enrollment in, participation in,* and
18 completion of an approved program shall be subsequent to the date
19 of the current violation. Credit shall not be given to any program
20 activities completed prior to the date of the current violation. The
21 department shall advise the person that after the completion of 12
22 months of the revocation period, which may include credit for a
23 suspension period served under subdivision (c) of Section 13353.3,
24 the person may apply to the department for a restricted driver's
25 license, subject to the following conditions:

26 (A) The person has satisfactorily completed, subsequent to the
27 violation date of the current underlying conviction, either of the
28 following:

29 (i) The initial 12 months of a 30-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code, if available in the county of
32 the person's residence or employment, and the person agrees, as
33 a condition of the restriction, to continue satisfactory participation
34 in the 30-month driving-under-the-influence program.

35 (ii) The initial 12 months of an 18-month
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code, if a 30-month program is
38 unavailable in the person's county of residence or employment.

39 (B) The person submits the "Verification of Installation" form
40 described in paragraph (2) of subdivision (g) of Section 13386.

1 (C) The person agrees to maintain the ignition interlock device
2 as required under subdivision (g) of Section 23575.

3 (D) The person provides proof of financial responsibility, as
4 defined in Section 16430.

5 (E) An individual convicted of a violation of Section 23153
6 punishable under Section 23566 may also, at any time after
7 sentencing, petition the court for referral to an 18-month
8 driving-under-the-influence program or, if available in the county
9 of the person's residence or employment, a 30-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code. Unless good cause is shown,
12 the court shall order the referral.

13 (F) The person pays all applicable reinstatement or reissue fees
14 and any restriction fee required by the department.

15 (G) The restriction shall remain in effect for the period required
16 in subdivision (f) of Section 23575.

17 ~~(7)~~

18 (9) Except as provided in this paragraph, upon a conviction or
19 finding of a violation of Section 23152 punishable under Section
20 23550 or 23550.5, or Section 23153 punishable under Section
21 23550.5 the privilege shall be revoked for a period of four years.
22 The privilege may not be reinstated until the person gives proof
23 of financial responsibility and proof satisfactory to the department
24 of successful completion of one of the following programs: an
25 18-month driving-under-the-influence program licensed pursuant
26 to Section 11836 of the Health and Safety Code, or, if available
27 in the county of the person's residence or employment, a 30-month
28 driving-under-the-influence program licensed pursuant to Section
29 11836 of the Health and Safety Code, or a program specified in
30 Section 8001 of the Penal Code. For the purposes of this paragraph,
31 ~~enrollment, participation~~ *enrollment in, participation in,* and
32 completion of an approved program shall be subsequent to the date
33 of the current violation. Credit shall not be given to any program
34 activities completed prior to the date of the current violation. The
35 department shall advise the person that after the completion of 12
36 months of the revocation period, which may include credit for a
37 suspension period served under subdivision (c) of Section 13353.3,
38 the person may apply to the department for a restricted driver's
39 license, subject to the following conditions:

1 (A) The person has satisfactorily completed, subsequent to the
2 violation date of the current underlying conviction, either of the
3 following:

4 (i) The initial 12 months of an 18-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code.

7 (ii) The initial 12 months of a 30-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code, if available in the county of
10 the person's residence or employment, and the person agrees, as
11 a condition of the restriction, to continue satisfactory participation
12 in the 30-month driving-under-the-influence program.

13 (B) The person submits the "Verification of Installation" form
14 described in paragraph (2) of subdivision (g) of Section 13386.

15 (C) The person agrees to maintain the ignition interlock device
16 as required under subdivision (g) of Section 23575.

17 (D) The person provides proof of financial responsibility, as
18 defined in Section 16430.

19 (E) An individual convicted of a violation of Section 23152
20 punishable under Section 23550 may also, at any time after
21 sentencing, petition the court for referral to an 18-month
22 driving-under-the-influence program or, if available in the county
23 of the person's residence or employment, a 30-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code. Unless good cause is shown,
26 the court shall order the referral.

27 (F) The person pays all applicable reinstatement or reissue fees
28 and any restriction fee required by the department.

29 (G) The restriction shall remain in effect for the period required
30 in subdivision (f) of Section 23575.

31 ~~(8)~~

32 (10) Upon a conviction or finding of a violation of subdivision
33 (a) of Section 23109 that is punishable under subdivision (e) of
34 that section *or Section 23109.1*, the privilege shall be suspended
35 for a period of 90 days to six months, if ordered by the court. The
36 privilege may not be reinstated until the person gives proof of
37 financial responsibility, as defined in Section 16430.

38 ~~(9)~~

39 (11) Upon a conviction or finding of a violation of subdivision
40 (a) of Section 23109 that is punishable under subdivision (f) of

1 that section, the privilege shall be suspended for a period of six
2 months, if ordered by the court. The privilege may not be reinstated
3 until the person gives proof of financial responsibility, as defined
4 in Section 16430.

5 (b) For the purpose of paragraphs (2) to ~~(9)~~ (11), inclusive, of
6 subdivision (a), the finding of the juvenile court judge, the juvenile
7 hearing officer, or the referee of a juvenile court of a commission
8 of a violation of Section 23152 or 23153 or subdivision (a) of
9 Section 23109 or Section 23109.1, as specified in subdivision (a)
10 of this section, is a conviction.

11 (c) A judge of a juvenile court, juvenile hearing officer, or
12 referee of a juvenile court shall immediately report the findings
13 specified in subdivision (a) to the department.

14 (d) A conviction of an offense in a state, territory, or possession
15 of the United States, the District of Columbia, the Commonwealth
16 of Puerto Rico, or Canada that, if committed in this state, would
17 be a violation of Section 23152, is a conviction of Section 23152
18 for the purposes of this section, and a conviction of an offense
19 that, if committed in this state, would be a violation of Section
20 23153, is a conviction of Section 23153 for the purposes of this
21 section. The department shall suspend or revoke the privilege to
22 operate a motor vehicle pursuant to this section upon receiving
23 notice of that conviction.

24 (e) For the purposes of the restriction conditions specified in
25 paragraphs (3) to ~~(7)~~ (9), inclusive, of subdivision (a), the
26 department shall terminate the restriction imposed pursuant to this
27 section and shall suspend or revoke the person's driving privilege
28 upon receipt of notification from the driving-under-the-influence
29 program that the person has failed to comply with the program
30 requirements. The person's driving privilege shall remain
31 suspended or revoked for the remaining period of the original
32 suspension or revocation imposed under this section and until all
33 reinstatement requirements described in this section are met.

34 (f) For the purposes of this section, completion of a program is
35 the following:

36 (1) Satisfactory completion of all program requirements
37 approved pursuant to program licensure, as evidenced by a
38 certificate of completion issued, under penalty of perjury, by the
39 licensed program.

(2) Certification, under penalty of perjury, by the director of a program specified in Section 8001 of the Penal Code, that the person has completed a program specified in Section 8001 of the Penal Code.

(g) The holder of a commercial driver's license who was operating a commercial motor vehicle, as defined in Section 15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under this section is not eligible for the restricted driver's license authorized under paragraphs (3) to (7), inclusive, of subdivision (a).

SEC. 2. Section 13352.5 of the Vehicle Code is amended to read:

13352.5. (a) The department shall issue a restricted driver's license to a person whose driver's license was suspended under paragraph (3) of subdivision (a) of Section 13352, if all of the following requirements have been met:

(1) Proof satisfactory to the department of enrollment in, or completion of, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23542 has been received in the department's headquarters.

(2) The person submits proof of financial responsibility, as described in Section 16430.

(3) The person completes not less than ~~12 months~~ 90 days of the suspension period imposed under paragraph (3) of subdivision (a) of Section 13352. The ~~12 months~~ 90 days may include credit for any suspension period served under subdivision (c) of Section 13353.3.

(4) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(b) The restriction of the driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (a) and shall remain in effect until the final day of the original suspension imposed under paragraph (3) of subdivision (a) of Section 13352, or until the date all reinstatement requirements described in Section 13352 have been met, whichever date is later.

(c) The restriction of the driving privilege shall be limited to the hours necessary for driving to and from the person's place of employment, driving during the course of employment, and driving

1 to and from activities required in the driving-under-the-influence
2 program.

3 (d) Whenever the driving privilege is restricted under this
4 section, proof of financial responsibility, as defined in Section
5 16430, shall be maintained for three years. If the person does not
6 maintain that proof of financial responsibility at any time during
7 the restriction, the driving privilege shall be suspended until the
8 proof required under Section 16484 is received by the department.

9 (e) For the purposes of this section, enrollment *in*, participation
10 *in*, and completion of an approved program shall be subsequent
11 to the date of the current violation. ~~No credit may~~ *Credit shall not*
12 be given to any program activities completed prior to the date of
13 the current violation.

14 (f) The department shall terminate the restriction imposed
15 pursuant to this section and shall suspend the privilege to drive
16 under paragraph (3) of subdivision (a) of Section 13352 upon
17 receipt of notification from the driving-under-the-influence
18 program that the person has failed to comply with the program
19 requirements.

20 (g) If, upon conviction, the court has made the determination,
21 as authorized under subdivision (b) of Section 23540 or subdivision
22 (d) of Section 23542, to disallow the issuance of a restricted
23 driver's license, the department ~~may~~ *shall* not issue a restricted
24 driver's license under this section.

25 (h) ~~Any~~ A person restricted pursuant to this section may apply
26 to the department for a restricted driver's license, subject to the
27 conditions specified in paragraph (3) of subdivision (a) of Section
28 13352. Whenever proof of financial responsibility has already
29 been provided and a restriction fee has been paid in compliance
30 with restrictions described in this section, and the offender
31 subsequently receives an ignition interlock device restriction
32 described in paragraph (3) of subdivision (a) of Section 13352,
33 the proof of financial responsibility period shall not be extended
34 beyond the previously established term and no additional restriction
35 fee shall be required.

36 (i) This section applies to a person who meets all of the
37 following conditions:

38 (1) Has been convicted of a violation of Section 23152 that
39 occurred on or before July 1, 1999, and is punishable under Section
40 23540, or former Section 23165.

(2) Was granted probation for the conviction subject to conditions imposed under subdivision (b) of Section 23542, or under subdivision (b) of former Section 23166.

(3) Is no longer subject to the probation described in paragraph (2).

(4) Has not completed the licensed driving-under-the-influence program under paragraph (3) of subdivision (a) of Section 13352 for reinstatement of the driving privilege.

(5) Has no violations in his or her driving record that would preclude issuance of a restricted driver's license.

~~(j) This section shall become operative on September 20, 2005.~~

SEC. 3. Section 23109 of the Vehicle Code is amended to read:

23109. (a) A person shall not engage in a motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but where the vehicle does not exceed the speed limits, is not a speed contest.

(b) A person shall not aid or abet in any motor vehicle speed contest on any highway.

(c) A person shall not engage in a motor vehicle exhibition of speed on a highway, and a person shall not aid or abet in a motor vehicle exhibition of speed on any highway.

(d) A person shall not, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon any highway.

(e) (1) A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than three hundred fifty-five dollars (\$355) nor more than one thousand dollars (\$1,000), or by both that fine and imprisonment. That person shall also be required to perform 40 hours of community service. The court may order the privilege to operate a motor vehicle suspended for 90 days to six months, as provided in paragraph ~~(8)~~ (10) of subdivision (a) of Section 13352. The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's

1 place of employment and, if driving a motor vehicle is necessary
2 to perform the duties of the person's employment, restricted to
3 driving in that person's scope of employment. This subdivision
4 does not interfere with the court's power to grant probation in a
5 suitable case.

6 (2) If a person is convicted of a violation of subdivision (a) and
7 that violation proximately causes bodily injury to a person other
8 than the driver, the person convicted shall be punished by
9 imprisonment in a county jail for not less than 30 days nor more
10 than six months or by a fine of not less than five hundred dollars
11 (\$500) nor more than one thousand dollars (\$1,000), or by both
12 that fine and imprisonment.

13 (f) (1) If a person is convicted of a violation of subdivision (a)
14 for an offense that occurred within five years of the date of a prior
15 offense that resulted in a conviction of a violation of subdivision
16 (a), that person shall be punished by imprisonment in a county jail
17 for not less than four days nor more than six months, and by a fine
18 of not less than five hundred dollars (\$500) nor more than one
19 thousand dollars (\$1,000).

20 (2) If the perpetration of the most recent offense within the
21 five-year period described in paragraph (1) proximately causes
22 bodily injury to a person other than the driver, a person convicted
23 of that second violation shall be imprisoned in a county jail for
24 not less than 30 days nor more than six months and by a fine of
25 not less than five hundred dollars (\$500) nor more than one
26 thousand dollars (\$1,000).

27 (3) If the perpetration of the most recent offense within the
28 five-year period described in paragraph (1) proximately causes
29 serious bodily injury, as defined in paragraph (4) of subdivision
30 (f) of Section 243 of the Penal Code, to a person other than the
31 driver, a person convicted of that second violation shall be
32 imprisoned in the state prison, or in a county jail for not less than
33 30 days nor more than one year, and by a fine of not less than five
34 hundred dollars (\$500) nor more than one thousand dollars
35 (\$1,000).

36 (4) The court shall order the privilege to operate a motor vehicle
37 of a person convicted under paragraph (1), (2), or (3) suspended
38 for a period of six months, as provided in paragraph ~~(9)~~ (11) of
39 subdivision (a) of Section 13352. In lieu of the suspension, the
40 person's privilege to operate a motor vehicle may be restricted for

1 six months to necessary travel to and from that person's place of
2 employment and, if driving a motor vehicle is necessary to perform
3 the duties of the person's employment, restricted to driving in that
4 person's scope of employment.

5 (5) This subdivision does not interfere with the court's power
6 to grant probation in a suitable case.

7 (g) If the court grants probation to a person subject to
8 punishment under subdivision (f), in addition to subdivision (f)
9 and any other terms and conditions imposed by the court, which
10 may include a fine, the court shall impose as a condition of
11 probation that the person be confined in a county jail for not less
12 than 48 hours nor more than six months. The court shall order the
13 person's privilege to operate a motor vehicle to be suspended for
14 a period of six months, as provided in paragraph ~~(9)~~ (11) of
15 subdivision (a) of Section 13352 or restricted pursuant to
16 subdivision (f).

17 (h) If a person is convicted of a violation of subdivision (a) and
18 the vehicle used in the violation is registered to that person, the
19 vehicle may be impounded at the registered owner's expense for
20 not less than one day nor more than 30 days.

21 (i) A person who violates subdivision (b), (c), or (d) shall upon
22 conviction of that violation be punished by imprisonment in a
23 county jail for not more than 90 days, by a fine of not more than
24 five hundred dollars (\$500), or by both that fine and imprisonment.

25 (j) If a person's privilege to operate a motor vehicle is restricted
26 by a court pursuant to this section, the court shall clearly mark the
27 restriction and the dates of the restriction on that person's driver's
28 license and promptly notify the Department of Motor Vehicles of
29 the terms of the restriction in a manner prescribed by the
30 department. The Department of Motor Vehicles shall place that
31 restriction in the person's records in the Department of Motor
32 Vehicles and enter the restriction on a license subsequently issued
33 by the Department of Motor Vehicles to that person during the
34 period of the restriction.

35 (k) The court may order that a person convicted under this
36 section, who is to be punished by imprisonment in a county jail,
37 be imprisoned on days other than days of regular employment of
38 the person, as determined by the court.

39 (l) This section shall be known and may be cited as the Louis
40 Friend Memorial Act.

1 *SEC. 4. Section 23550 of the Vehicle Code is amended to read:*

2 23550. (a) If a person is convicted of a violation of Section
3 23152 and the offense occurred within 10 years of three or more
4 separate violations of Section 23103, as specified in Section
5 23103.5, or Section 23152 or 23153, or any combination thereof,
6 that resulted in convictions, that person shall be punished by
7 imprisonment in the state prison, or in a county jail for not less
8 than 180 days nor more than one year, and by a fine of not less
9 than three hundred ninety dollars (\$390) nor more than one
10 thousand dollars (\$1,000). The person's privilege to operate a
11 motor vehicle shall be revoked by the Department of Motor
12 Vehicles pursuant to paragraph ~~(7)~~ (9) of subdivision (a) of Section
13 13352. The court shall require the person to surrender the driver's
14 license to the court in accordance with Section 13550.

15 (b) A person convicted of a violation of Section 23152
16 punishable under this section shall be designated as a habitual
17 traffic offender for a period of three years, subsequent to the
18 conviction. The person shall be advised of this designation pursuant
19 to subdivision (b) of Section 13350.

20 *SEC. 5. Section 23550.5 of the Vehicle Code is amended to*
21 *read:*

22 23550.5. (a) A person is guilty of a public offense, punishable
23 by imprisonment in the state prison or confinement in a county
24 jail for not more than one year and by a fine of not less than three
25 hundred ninety dollars (\$390) nor more than one thousand dollars
26 (\$1,000) if that person is convicted of a violation of Section 23152
27 or 23153, and the offense occurred within 10 years of any of the
28 following:

29 (1) A prior violation of Section 23152 that was punished as a
30 felony under Section 23550 or this section, or both, or under former
31 Section 23175 or former Section 23175.5, or both.

32 (2) A prior violation of Section 23153 that was punished as a
33 felony.

34 (3) A prior violation of paragraph (1) of subdivision (c) of
35 Section 192 of the Penal Code that was punished as a felony.

36 (b) Each person who, having previously been convicted of a
37 violation of subdivision (a) of Section 191.5 of the Penal Code, a
38 felony violation of subdivision (b) of Section 191.5, or a violation
39 of subdivision (a) of Section 192.5 of the Penal Code, is
40 subsequently convicted of a violation of Section 23152 or 23153

1 is guilty of a public offense punishable by imprisonment in the
2 state prison or confinement in a county jail for not more than one
3 year and by a fine of not less than three hundred ninety dollars
4 (\$390) nor more than one thousand dollars (\$1,000).

5 (c) The privilege to operate a motor vehicle of a person
6 convicted of a violation that is punishable under subdivision (a)
7 or (b) shall be revoked by the department under paragraph-~~(7)~~ (9)
8 of subdivision (a) of Section 13352, unless paragraph-~~(6)~~ (8) of
9 subdivision (a) of Section 13352 is also applicable, in which case
10 the privilege shall be revoked under that provision. The court shall
11 require the person to surrender the driver's license to the court in
12 accordance with Section 13550.

13 (d) A person convicted of a violation of Section 23152 or 23153
14 that is punishable under this section shall be designated as a
15 habitual traffic offender for a period of three years, subsequent to
16 the conviction. The person shall be advised of this designation
17 under subdivision (b) of Section 13350.

18 *SEC. 6. Section 23552 of the Vehicle Code is amended to read:*

19 23552. (a) (1) If the court grants probation to a person
20 punished under Section 23550, in addition to the provisions of
21 Section 23600 and any other terms and conditions imposed by the
22 court, the court shall impose as conditions of probation that the
23 person be confined in a county jail for at least 180 days but not
24 more than one year and pay a fine of at least three hundred ninety
25 dollars (\$390) but not more than one thousand dollars (\$1,000).

26 (2) The person's privilege to operate a motor vehicle shall be
27 revoked by the department under paragraph-~~(7)~~ (9) of subdivision
28 (a) of Section 13352. The court shall require the person to surrender
29 the driver's license to the court in accordance with Section 13550.

30 (b) In addition to subdivision (a), if the court grants probation
31 to any person punished under Section 23550, the court may order
32 as a condition of probation that the person participate, for at least
33 30 months subsequent to the underlying conviction and in a manner
34 satisfactory to the court, in a driving-under-the-influence program
35 licensed pursuant to Section 11836 of the Health and Safety Code.
36 In lieu of the minimum term of imprisonment in subdivision (a),
37 the court shall impose as a condition of probation under this
38 subdivision that the person be confined in the county jail for at
39 least 30 days but not more than one year. The court shall not order
40 the treatment prescribed by this subdivision unless the person

1 makes a specific request and shows good cause for the order,
2 whether or not the person has previously completed a treatment
3 program pursuant to ~~paragraph (4) of subdivision (b) of Section~~
4 23542 or paragraph (4) of subdivision (b) of Section 23562. In
5 order to enable all required persons to participate, each person
6 shall pay the program costs commensurate with the person's ability
7 to pay as determined pursuant to Section 11837.4 of the Health
8 and Safety Code. No condition of probation required pursuant to
9 this subdivision is a basis for reducing any other probation
10 requirement in this section or Section 23600 or for avoiding the
11 mandatory license revocation provisions of ~~paragraph (7) (9) of~~
12 subdivision (a) of Section 13352.

13 (c) In addition to ~~the provisions of~~ Section 23600 and
14 subdivision (a), if the court grants probation to any person punished
15 under Section 23550 who has not previously completed a treatment
16 program pursuant to ~~paragraph (4) of subdivision (b) of Section~~
17 23542 or paragraph (4) of subdivision (b) of Section 23562, and
18 unless the person is ordered to participate in, and complete, a
19 program under subdivision (b), the court shall impose as a
20 condition of probation that the person, subsequent to the date of
21 the current violation, enroll in and participate, for at least 18
22 months and in a manner satisfactory to the court, in a
23 driving-under-the-influence program licensed pursuant to Section
24 11836 of the Health and Safety Code, as designated by the court.
25 The person shall complete the entire program subsequent to, and
26 shall not be given any credit for program activities completed prior
27 to, the date of the current violation. A person who has previously
28 completed a 12-month or 18-month driving-under-the-influence
29 program licensed pursuant to Section 11836 of the Health and
30 Safety Code shall not be eligible for referral pursuant to this
31 subdivision unless a 30-month driving-under-the-influence program
32 licensed pursuant to Section 11836 of the Health and Safety Code
33 is not available for referral in the county of the person's residence
34 or employment. A condition of probation required pursuant to this
35 subdivision is not a basis for reducing any other probation
36 requirement in this section or Section 23600 or for avoiding the
37 mandatory license revocation provisions of ~~paragraph (7) (9) of~~
38 subdivision (a) of Section 13352.

39 (d) The court shall advise the person at the time of sentencing
40 that the driving privilege may not be restored until the person

1 provides proof satisfactory to the department of successful
2 completion of a driving-under-the-influence program of the length
3 required under this code that is licensed pursuant to Section 11836
4 of the Health and Safety Code.

5 ~~(e) This section shall become operative on September 20, 2005.~~

6 *SEC. 7. Section 23566 of the Vehicle Code is amended to read:*

7 23566. (a) If a person is convicted of a violation of Section
8 23153 and the offense occurred within 10 years of two or more
9 separate violations of Section 23103, as specified in Section
10 23103.5, or Section 23152 or 23153, or any combination of these
11 violations, that resulted in convictions, that person shall be
12 punished by imprisonment in the state prison for a term of two,
13 three, or four years and by a fine of not less than one thousand
14 fifteen dollars (\$1,015) nor more than five thousand dollars
15 (\$5,000). The person's privilege to operate a motor vehicle shall
16 be revoked by the Department of Motor Vehicles pursuant to
17 paragraph ~~(6)~~ (8) of subdivision (a) of Section 13352. The court
18 shall require the person to surrender the driver's license to the
19 court in accordance with Section 13550.

20 (b) If a person is convicted of a violation of Section 23153, and
21 the act or neglect proximately causes great bodily injury, as defined
22 in Section 12022.7 of the Penal Code, to any person other than the
23 driver, and the offense occurred within 10 years of two or more
24 separate violations of Section 23103, as specified in Section
25 23103.5, or Section 23152 or 23153, or any combination of these
26 violations, that resulted in convictions, that person shall be
27 punished by imprisonment in the state prison for a term of two,
28 three, or four years and by a fine of not less than one thousand
29 fifteen dollars (\$1,015) nor more than five thousand dollars
30 (\$5,000). The person's privilege to operate a motor vehicle shall
31 be revoked by the Department of Motor Vehicles pursuant to
32 paragraph ~~(6)~~ (8) of subdivision (a) of Section 13352. The court
33 shall require the person to surrender the driver's license to the
34 court in accordance with Section 13550.

35 (c) If a person is convicted under subdivision (b), and the offense
36 for which the person is convicted occurred within 10 years of four
37 or more separate violations of Section 23103, as specified in
38 Section 23103.5, or Section 23152 or 23153, or any combination
39 of these violations, that resulted in convictions, that person shall,
40 in addition and consecutive to the sentences imposed under

1 subdivision (b), be punished by an additional term of imprisonment
2 in the state prison for three years.

3 The enhancement allegation provided in this subdivision shall
4 be pleaded and proved as provided by law.

5 (d) A person convicted of Section 23153 punishable under this
6 section shall be designated as a habitual traffic offender for a period
7 of three years, subsequent to the conviction. The person shall be
8 advised of this designation pursuant to subdivision (b) of Section
9 13350.

10 (e) A person confined in state prison under this section shall be
11 ordered by the court to participate in an alcohol or drug program,
12 or both, that is available at the prison during the person's
13 confinement. Completion of an alcohol or drug program under this
14 section does not meet the program completion requirement of
15 paragraph ~~(6)~~ (8) of subdivision (a) of Section 13352, unless the
16 drug or alcohol program is licensed under Section 11836 of the
17 Health and Safety Code, or is a program specified in Section 8001
18 of the Penal Code.

19 *SEC. 8. Section 23568 of the Vehicle Code is amended to read:*

20 23568. (a) If the court grants probation to a person punished
21 under Section 23566, in addition to the provisions of Section 23600
22 and any other terms and conditions imposed by the court, the court
23 shall impose as conditions of probation that the person be confined
24 in the county jail for at least one year, that the person pay a fine
25 of at least three hundred ninety dollars (\$390) but not more than
26 five thousand dollars (\$5,000), and that the person make restitution
27 or reparation pursuant to Section 1203.1 of the Penal Code. The
28 person's privilege to operate a motor vehicle shall be revoked by
29 the department under paragraph ~~(6)~~ (8) of subdivision (a) of Section
30 13352. The court shall require the person to surrender the driver's
31 license to the court in accordance with Section 13550.

32 (b) In addition to Section 23600 and subdivision (a), if the court
33 grants probation to a person punished under Section 23566, the
34 court shall impose as a condition of probation that the person enroll
35 in and complete, subsequent to the date of the underlying violation
36 and in a manner satisfactory to the court, an 18-month
37 driving-under-the-influence program licensed pursuant to Section
38 11836 of the Health and Safety Code or, if available in the county
39 of the person's residence or employment, a 30-month
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code, as designated by the court.
2 The person shall complete the entire program subsequent to, and
3 shall not be given any credit for program activities completed prior
4 to, the date of the current violation. In lieu of the minimum term
5 of imprisonment in subdivision (a), the court shall impose as a
6 minimum condition of probation under this subdivision that the
7 person be confined in the county jail for at least 30 days but not
8 more than one year. Except as provided in this subdivision, if the
9 court grants probation under this section, the court shall order the
10 treatment prescribed by this subdivision, whether or not the person
11 has previously completed a treatment program pursuant to
12 ~~paragraph (4) of~~ subdivision (b) of Section 23542 or paragraph
13 (4) of subdivision (b) of Section 23562. In order to enable all
14 required persons to participate, each person shall pay the program
15 costs commensurate with the person's ability to pay as determined
16 pursuant to Section 11837.4 of the Health and Safety Code. No
17 condition of probation required pursuant to this subdivision is a
18 basis for reducing any other probation requirement in this section
19 or Section 23600 or for avoiding the mandatory license revocation
20 provisions of ~~paragraph (6) (8)~~ of subdivision (a) of Section 13352.
21 (c) The court shall advise the person at the time of sentencing
22 that the driving privilege may not be restored until the person
23 provides proof satisfactory to the department of successful
24 completion of a driving-under-the-influence program of the length
25 required under this code that is licensed pursuant to Section 11836
26 of the Health and Safety Code.
27 ~~(d) This section shall become operative on September 20, 2005.~~
28 ~~SEC. 2.~~
29 SEC. 9. This act shall become operative on July 1, 2010.